

**IN THE CLAIMS:**

Please AMEND claims 1, 3, 5, 6-8, 10, 12, 13, 17 and CANCEL claims 2, 9, 14, 18-32 without prejudice or disclaimer in accordance with the following:

1. (CURRENTLY AMENDED) A method of preventing a disc from being scratched by an objective lens, the method comprising:

performing a focus pull-in operation in which the objective lens is moved toward and away from a surface of the disc; and

moving the objective lens away ~~from~~ from the disc if a level of a pull-in signal, which is generated during the focus pull-in operation to reflect a distance between the objective lens and the disc, remains lower than a predetermined critical level for at least a predetermined critical period of time, wherein the predetermined critical period of time is set to a time for which the objective lens remains a minimum distance from the disc without damaging the disc when an actuator actuating a pickup, on which the objective lens is mounted, moves at an operational maximum speed.

2. (CANCELLED)

3. (CURRENTLY AMENDED) The method of claim 1, wherein the controlling of the objective lens comprises applying a direct current signal to the actuator ~~for actuating a pickup having the objective lens.~~

4. (ORIGINAL) The method of claim 3, wherein the direct current signal is applied to stop the actuator.

5. (CURRENTLY AMENDED) The method of claim 1, wherein the pull-in signal is one of a sum signal of signals focused onto a plurality of division light-receiving units of a photodiode and a signal generated by filtering a the sum signal through a low-pass filter.

6. (CURRENTLY AMENDED) A method of preventing a disc from being scratched by an objective lens, the method comprising:

initializing a pull-in signal, a level of which reflects a distance between the objective lens and a surface of the disc;

performing a focus pull-in operation in which the objective lens is moved toward and

away from ~~a~~the surface of the disc;

checking the level of the pull-in signal;

if the level of the pull-in signal is lower than a predetermined critical level, checking a time for which the level of the pull-in signal remains lower than the predetermined critical level; and

moving the objective lens away from the disc if the time is at least a predetermined critical period of time, wherein the predetermined critical period of time is set to a time for which the objective lens remains a minimum distance from the disc without damaging the disc when an actuator actuating a pickup, on which the objective lens is mounted, moves at an operational maximum speed.

7. (CURRENTLY AMENDED) The method of claim 6, further comprising:

if the time is not at least the predetermined critical period of time, outputting an average value of a drive signal that was previously applied to the actuator ~~for actuating a pickup having the objective lens.~~

8. (CURRENTLY AMENDED) The method of claim 6, wherein the initializing of the pull-in signal comprises initializing the pull-in signal to a level lower than a predetermined direct current level so as to ~~easily~~ detect the predetermined direct current level during the focus pull-in operation.

9. (CANCELLED)

10. (CURRENTLY AMENDED) The method of claim 6, wherein, if the time is at least the predetermined critical period of time, the method further comprises applying a direct current signal to the actuator.

11. (ORIGINAL) The method of claim 10, wherein the direct current signal is applied to stop the actuator.

12. (CURRENTLY AMENDED) The method of claim 6, wherein the pull-in signal is one of a sum signal of signals focused onto a plurality of division light receiving units of a photodiode and a signal generated by filtering ~~a~~the sum signal through a low-pass filter.

13. (CURRENTLY AMENDED) An apparatus preventing a disc from being scratched by an objective lens, the apparatus comprising:  
a pickup ~~having a non~~ on which the objective lens is mounted;  
an actuator actuating the pickup;  
a signal detector detecting a pull-in signal from the pickup, a level of which reflects a distance between the objective lens and a surface of the disc; and  
a controlling unit that moves the objective lens away from the disc if the level of the pull-in signal is maintained lower than a predetermined critical level for at least a predetermined critical period of time, wherein the predetermined critical period of time is set to a time for which the objective lens remains a minimum distance from the disc without damaging the disc when the actuator moves at an operational maximum speed.

14. (CANCELLED)

15. (ORIGINAL) The apparatus of claim 13, wherein the controlling unit applies a direct current signal to the actuator.

16. (ORIGINAL) The apparatus of claim 13, wherein the controlling unit applies a direct current signal to the actuator so as to stop the actuator.

17. (CURRENTLY AMENDED) The apparatus of claim 13, wherein the pull-in signal is one of a sum signal of signals focused onto a plurality of division light receiving units of a photodiode and a signal generated by filtering a the sum signal through a low-pass filter.

18-32. (CANCELLED)